

**MINUTES**  
**CRIME COMMISSION QUARTERLY MEETING**

**DATE:** November 13, 2013  
**TIME** 1:35pm – 3:00pm

**LOCATION:** Department of Emergency Management  
2478 Fairview Drive, Carson City, NV  
NHP Southern Command – Sunset Room  
4615 W. Sunset Rd., Las Vegas, NV

**METHOD:** Conference    **RECORDER:** Linda Herron

<b>MEMBERS</b>	<b>PRESENT</b>	<b>ABSENT</b>	
Patricia Lee	X		
Connie Bisbee		X	
Bruce Breslow	X		
Richard Clark	X		
Greg Cox	X		
Leo Drozdoff		X	
Robert Fisher		X	
Dick Gammick	X		
Doug Gillespie	X		
Cory Hunt		X	
Tom Lozich		X	
Michon Martin		X	
Shawn Reid	X		
Robert Roshak	X		
Greg Smith	X		
Richard Varner	X		
Claudia Vecchio		X	
Michael Willden	X		
James Wright Non-Voting	X		Charise Whitt
<b>EX-OFFICIO MEMBERS</b>			
Stephen Herkins ATF			
Paul A. Rozario DEA	X		
Michael Harris ICE			
<b>ADMINISTRATIVE STAFF</b>			
Michael Jensen Gen. Counsel	X		
Linda Herron Exec. Sec.	X		

## **#1. CALL TO ORDER AND ROLL CALL**

Chairwoman Lee called the meeting to order at 1:35pm. Linda Herron called the roll and a quorum was established.

## **#2. COMMENTS BY THE CHAIRWOMAN**

Chairwoman Lee apologized for the cancellation of the last meeting, with the absence of a vice chair we couldn't go forward with the meeting. The purpose of the meeting is to recalibrate after the Legislative session and try to get back to the original mission as set forth in the Executive Order. She wanted to make this a planning and strategy meeting for the next meeting.

## **#3 – PUBLIC COMMENT**

There was no public comment.

## **#4. APPROVAL OF THE MAY 22, 2013 MINUTES**

Chairwomen Lee asked if there were any changes or corrections to the May 22, 2013 meeting minutes. Dick Gammick made the motion to approve the minutes, Richard Clark seconded the motion. Motion passed.

## **#5. LEGISLATIVE REVIEW: REVIEW OF 77<sup>TH</sup> LEGISLATIVE SESSION AS IT PERTAINS TO BILLS PREVIOUSLY REVIEWED BY THE COMMISSION** **(Discussion Only)**

Chairwomen Lee wanted to get a feel for some of the issues that the Commission was talking about during the 77<sup>th</sup> Legislative Session, whether they passed or if they had been implemented. If there were any issues in the implementation of the laws that passed, also the passing along of any useful information regarding these laws.

**Brianna's Law** – the last form the Commission spoke about passed, Dick Gammick responded that the financing structure will delay the implementation. Chairwomen Lee stated the Commission supported it and the Governor was partial to this law. The Governor did thank the Commission for our additional insight of the possible problems and implementation, funding was the only hold up. Dick Gammick would like to thank Debbie Smith for all her work on this bill. Chairwomen Lee asked if there was a timeline for the implementation of this law. Mr. Gammick thinks it would take a year to two years to build up the funds before the implementation of the law. Chairwomen Lee asked if there was anything the commission would like to put on the record and on the report to the Governor. No inclusions

**The Dispensaries and the Grow Houses** - the law passed as well. Chairwomen Lee explained that Senator Hutchison and Senator Segerblom worked together to get this law passed. Senator Hutchinson was very interested to know what Law Enforcement thought about this law. There were very strong views expressed by Mr. Rosario on the Federal perspective, and there was a statement by Eric Holder affirming that the current Federal

Administration wouldn't interfere with the States running their own law as long as people were compliant with their state laws. That may change with the next Administration. Chairwomen Lee realizes there is a lot of concern about the Mom and Pop dispensary being on every corner. It takes a great amount of money, \$250,000 in cash to start the process; it's a very technical process almost like getting a gaming license.

Mike Willden has been working on the regulations for the law for the last 5 months. There are 4 regulated groups 1) Cultivators 2) Grow Houses 3) Edible Products and 4) Laboratories. They have had several workshops with local government; Clark and Washoe have had public meetings that DHHS have attended and also a number of workshops with interested parties. We have 4 to 500 lists going now and web sites you can look at. The 100 pages of draft regulation are scheduled to come out Nov 15<sup>th</sup>. They have spent a great amount of time in Arizona looking at their operation, they again have similar things such as dispensary, grow houses, edible products but no laboratory licenses. The Governor intends that it will be as tightly regulated as possible like a gaming privilege License. You do have to have \$250,000 in liquid assets to apply, plus pay significant fees, \$30,000 in one category \$5,000 in another category. The statute says DHHS must be ready by April 1<sup>st</sup>. If all goes well DHHS will open up the application process, a 10 day period to apply for one of these types of licenses. There will be a ranking and application process due to the amount of applications, the statute will tell how many slots will be available in each jurisdiction. DHHS received a general fund loan to staff the process, developing the regulations and setting up meetings. They can't use existing medical marijuana money. Once the regulation is completed they must go through the Board of Public Health for approval.

Dick Clark stated if medical marijuana is a valuable useful drug; it should be sold through pharmacies. He stated that this law was sold as medical marijuana; there is no difference between marijuana and medical marijuana. It was sold as an ease for people with cancer, he also asked what was being done regarding the abuses. The problem in California is the medical doctors are giving cards for every small ailment. Mr. Gammick asked about the abuses and was told by Senator Segerblom that wasn't in his purview. He asked why it wasn't sold out of a pharmacy and was told they couldn't grow marijuana. A letter from DOJ signed by Deputy of Attorney General Holder stating they are not going to pay a lot of attention to the state's law unless it violated six different conditions they laid out 1) sales to minor 2) sales around schools 3) trafficking in marijuana and 3 other conditions. This raised a situation in Colorado that circulated the country and puts Nevada in an ethical dilemma, we know the law is against Federal law but at the same time we are supposed to give advice to all state, county and city officials on how to implement it. Mr. Gammick has taken the position not to give advice because we have an ethical issue as long as it's against Federal Law. Also the multiple buys, we found after looking at the medical marijuana cards they are being given out for all kinds of different ailments. Doctors were issuing cards for people who couldn't get their marijuana and were anxious. We are already seeing the abuses and we don't have dispensaries yet. Montana threw medical marijuana out because of the abuses.

Mike Willden as the Director of DHHS has to implement laws and regulations that he doesn't support but with that said, addressing the literature of Medical beneficial use, you could do an exhausted research and not find it. Nevada will have something different which is the laboratory component. The entire product sold in Nevada must be lab tested,

and what you get is the individual components of the cannabinoids, how much THC, THD, CVD content will be listed on the labeling. The dispensary system works on what they call in slang “Bud Tenders” pharmacists or they call them client consultants. They would say THC is better for anxiety, CVD is better for cancer. Mr. Willden said it would be strict laboratory testing, strict labeling, all products must be labeled, whether it’s the buds themselves, the clippings, the cut, the product that goes into the butter for the cookies etc. The buyers will know the content of the product they buy.

Chairwomen Lee asked if there will be a mechanism in place to prevent multiple buys. The system will be built off the Arizona system – they gave us their system, they run a dual system. Bruce Breslow stated when he was the DMV Director they officially issued the medical marijuana card with a prescription. The prescription came from the doctors. The technicians were not issuing a card to someone underage. The DMV made sure it was legitimate prescription issued for medical marijuana. Chairwomen Lee asked about a tracking system. Mr. Willden said the tracking system would track the purchase in grams or ounces cumulative of all products. Once the person reaches 2.5oz they are cut off. Chairwomen Lee asked if it’s illegal to grow. Mike Willden stated that if you are within 25 miles of the dispensaries it’s illegal to grow; you must go to the dispensaries.

There are 4800 medical marijuana cards that have been issued and the number will go up. To obtain a medical marijuana card you must: 1) Obtain a prescription for an ailment in the statute for a medical marijuana card from a doctor, 2) Fill out a written application, 3) pass a fingerprint and background check, 4) DMV along with DHHS issues a card that says you’re a medical marijuana card holder and or a caregiver of a medical marijuana card holder. In Arizona the card has a magnetic strip that tracks the amount bought.

Chairwomen Lee asked if there is reciprocity with other states. Mr. Willden said that reciprocity is in Nevada Law and has to be worked out. The out of state person has to go through a process that meets Nevada standards. Consultants forecasted that there will be 225,000 out of state purchasers in Nevada. We have 52 million visitors and the national statistics say that when they are here ½ to 1% could be medical marijuana purchasers. Tracking will be through reciprocity with other states.

Mr. Gammick mentioned that they tried to change DUI laws for medical marijuana users in the last session but it didn’t pass this time, he thinks that will change. Mr. Breslow asked if the nanogram standards were the same and Mr. Gammick said they were the same. Mr. Breslow explained the World Anti-Doping standards for nanogram and feels that will be the next change coming to the Legislature.

Mr. Reid asked what the standards of the doctors are in the new regulations, they seem to be lower. Mr. Willden says they are the same, there are 8 or 9 elements the doctor sees the patient for, if he sees one of those elements he can write a prescription. In Nevada our prescriptions come from MD’S and OD’s. In Arizona the MD’s and OD’s only prescribe 20% of the time, they refer to homeopaths or natural paths who then prescribe about 75% of the prescriptions.

Chairwomen Lee asked if there are any regulations on transportation of the product from the grow houses to the dispensaries. Mr. Willden said in the regulations for inventory control the procedure starts from the time it’s clipped from the mother plant to the

cultivation facility and in theory there is a transport log where its leaving from and going to and the amount. There can be abuses but they are using every accounting inventory control mechanism they can think of. Once they harvest they have a known quantity to be tracked down to the last gram.

Chairwomen Lee asked if there was any public education component from DHHS that explains the law and how to comply with the law. Every dispensary has to have a public education component and a medical director on staff among other components.

Chairwomen Lee asked if local law enforcement anticipates any impact on their job. Mr. Gammick stated nothing yet until it hits the street but Mr. Varner said there will probably be a lot of doctor shopping and the doctors over prescribe to get the easy money. It's been an issue in Nevada before. Chairwomen Lee said in terms of the medical science, she watched a story on Dr. Sanjay Gupta, a renowned doctor who is changing his mind about it, first he was very anti medical marijuana and then saw some improvement in the case of a young girl with severe seizures with the use of medical marijuana.

Chairwomen Lee would like to commend DHHS on a great job, getting it rolled out in a safe and responsible matter. Mr. Willden asked when the regulations are dropped look at them closely; there will be more workshops and public hearings. There will be up to 70 dispensaries, it's what the law allows, he's not sure the number of grow houses or facilities depending on the product that will be sold and sizing to sell to about a quarter million sales a year based on licensees and visitor volume and that will require about 600,000 to 700,000 sq. feet of growth space to produce the product those number of people will buy. That will be done 25, 000 to 100,000 sq. foot of warehouse indoor growth facilities.

Mr. Breslow asked how you would deal with the conflict of the effect of medical marijuana on a person who decides they don't like the effects of the marijuana and stopped using it and four days later got stopped, it was still in their system and they feel they were legal and shouldn't be cited. Mr. Gammick explained that the standard is impaired and gave an example. The Legislature chose not to address it this time. Dick Clark asked if there are warnings on the packaging about not using it. Mr. Willden said yes the same warning about not driving under the influence. Chairwomen Lee feels that there will be challenges and trial and error, it will be back in 2014, how it will impact the communities. Shawn Reid questioned the regulation violations and if they should be criminal. How will that be handled? Mr. Willden explained that the intent is it's a privilege license and can be pulled at any time.

Robert Roshack wanted the Commission to know that the Advisory Commission of the Administration of Justice will be forming a sub committee to study this issue sometime in January. Senator Seagerblom is the Chair of that Committee. Chairwomen Lee asked what the purpose of the committee is, Mr. Willden said the purpose is spelled out in the statute they aren't overseeing the implementation of the regulation they are to study and make finding for the next legislative process. They don't have a yes or no vote on the regulation that would be the Legislative Commission and the Board of Health.

**The Increase Penalty for the First Offense of unlawfully selling to a Minor - Mr. Gammick** said it was addressed but there was no response from the Governor.

**The Law that Imposed Additional Penalty if an Attempt or Conspiracy to Commit certain crimes against Older or Vulnerable Persons – AB55 - Mr. Gammick** said it passed.

We will address the other bills at the next session.

No Public comment.

#### **#6. DISCUSS AND EVALUATE MISSION, GOAL AND STRUCTURE OF COMMISSION GOING FORWARD (Discussion /For Possible Action)**

Chairwomen Lee has done some research on other states Crime Commission's and how they are set up. Some are more formal because they are established by the Legislature, some are less formal because they are community groups that have gotten together with business leaders and Legislators. The Thread that is consistent is ;

1.) **Address crime trends.** – Here in Nevada, The Dept of Public Safety tracks crime trends – that would be a great place to start. As one of our missions was to track crime trends and alerting the Governor of the more pressing Crime Trends, we could pick a few issues, report most pressing to the Governor, such as ie.. Methamphetamine – what age group is using it, what counties, if there is high recidivism rate would be useful for him. Also figuring out the resources available and how we could consolidate these resources, on line, community leaders, education, public educations, alerting the public they exist and how to prevent it and what to do if you are a victim such as identity theft.

2.) **Decrease Recidivism** – This could be a commission on its own; we could add our resources to those that already exist. We could speak to Law Enforcement and ask what they need and what we could do to help them whether it a grass root organization from the community, putting together town halls, putting together our web-site. We need to get someone back on the Commission from EITs to build a Crime Commission website that can be used as a resource with links to various other resources, along with our own information. The age of technology is so important. We need to get support from our business leaders, community leaders, from our colleges both the north and south and from the student, professors and research departments. The Public Defender's office would also be a great resource, looking at the other side and getting insight from them. Pro Bono lawyers would be a great resource. Mr. Gammick thinks that the Public Defender's office would stir things up. He would also like to see the Fusion Center come in and the Intelligence Center in Washoe County to tell us what their capabilities are, what they track, what figures and statics they have. The Fusion Center takes in trends that affect us from the Western States, Nationally and they work hand in hand with Homeland Security. Chairwomen Lee said she wasn't suggesting the Public Defender's Office should be part of the commission but in terms of any type of grass roots educational mobilization at the community level maybe they can be useful in that

sense. Our meetings are open so they have access to the agendas and minutes at any time. These are a few of the ideas she has seen from other Crime Commissions, some do lecture series for Law Enforcement and other agencies as well as forums for the communities. There are many good resources on line such as New York. Their Crime Commission which is nonprofit, does a lot in the community and they're not connected to the Governor's Office. Maybe we could connect a link to our web-site so it's all very fluid. The Executive Order is substantially broad but as Sheriff Gillespie said where the greatest need is, starting with Crime Trends should be the first place. She would like a copy for the next meeting.

Mr. Breslow said there's another group – **Fight Fraud Task Force** that B&I set up the meetings for. He's not sure who runs it, they had information about trends, current scams, fraud were brought to them by local Law Enforcement and it went up on various web-sites. If we could marry the two it may be a good option. It has been run by Business and Industry; he will get more information and have someone get in touch with the Chairwomen. Greg Smith of the Attorney Generals was part of that task force, the main purpose seem to be getting the fraud information the public had requested. The AG's office has been involved for the past several years in the public education of the trending scams that were going on in the community. Chairwomen Lee asked if the information is available for the public and Mr. Smith said there is a web-site.

Sheriff Gillespie said the Committee was put together quickly mandated through the Executive Order was done in that way as well. Since we have gotten through this Legislative Session we should ask what the Governor's office expects of this Commission and then also discuss what the Crime Commission should actually be. Look at other Crime Commission's within the state or local or Federal level, certain circumstances that draw light to a problem in the criminal justice system such as input, law enforcement, prosecution, imprisonment, recidivism and reentry. Maybe take that broad look at the criminal justice system in the state and make recommendations on how that criminal justice system could be improved on and made better today. Look at crime trends state wide, they would be significantly different in the 17 counties. We have Sheriffs and Chiefs in a variety of jurisdictions that will be different than the more populated areas of Washoe, Clark and Douglas Counties. Look at a broad approach to reducing crime and making our state a safer place to live. If we start getting into other commissions or other groups we'll look at their system and how to improve it. He does a lot of work on Crime Commission throughout America, local and state levels, he would like to present this information to our Crime Commission.

Chairwomen Lee said she will speak to the Governor and the Governor's Office to see what expectations they have for the Crime Commission. With so many task forces and Commission how can we be of use. She asked Sheriff Gillespie to be a part of the phone call for some kind of direction to be most effective for the Governor. Not reinventing the wheel makes a lot of sense. Sheriff Gillespie will be put on the next agenda.

Dick Clark said the Commission should be more informed to be more effective, we should have reports from experts so we can make more effective decisions regarding Cyber Crime, Fusion Center etc. Chairwomen Lee responded we had a very comprehensive report on Cyber-crime. The better informed this commission is the better we would be. We need to have EITS involved again with the Crime Commission.

Chairwomen Lee again will facilitate a conversation with the Governor along with Sheriff Gillespie. She again requested the Crime Trends and the Fusion Center reports. Mr. Gammick said that the Fusion Center is privy to a whole spectrum of information. He also said that a commission meeting was held at the prison maybe that would be an idea to meet at different locations. The big buzz is the Sex Trafficking and almost every agency is involved with that. Maybe the Governor would like us to have reports on these subjects readily available. Greg Cox said a report by JFA to all the associates on Population Project to the Legislative Council Bureau and hired the entity to do the population projections, all counties, jail populations, P&P violators, and use that document to project cost in the future, the cost of building correctional facilities. We should be getting a new report fairly soon. Chairwomen Lee would like get together with him for the next meeting. Mr. Gammick would like another item to put on your list is the "Opening Doors" in California, and how we would be affected.

Chairwomen Lee senses that the Commission's preference is to do more of a global view of the terms of our mission and what we are doing effecting policy as oppose to maybe what the original vision was, it was a bit jumbled. It was very broad and doesn't offer a whole lot of guidance. If we were to take it literally we couldn't realistically do it all. She liked the analogy to laser focusing it, 20,000 foot perspective or more on the ground, maybe this is where we fill in the niche. She will speak to the Governor and get a better sense of what he wants, also, if we can get all these reports we have spoken about or any others we will try to keep the agenda item broad enough but specific enough to bring in different crime trend reports. Chairwomen Lee asked if Mr. Gammick could contact the Fusion Center - Jim Lopee and the person in the South so they can tell us what they do.

Chairwomen Lee asked if there was anything for our mission to go forward. Mr. Gammick questioned the ability to send a proxy to establish a quorum. Section 3 Quorum any member of the Commission to send a proxy. He thinks it would be easier to set a meeting. Chairwomen Lee responded that we amended this issue. Mike Jensen responded that the open meeting law was amended this past legislation limiting the use of proxies to situations where the enabling statute crediting the Commissions policy permit proxies. Since the Commission is created by Executive Order and not by statute it is possible proxies could be permitted through a new Executive Order. Chairwomen Lee asked if we could get an updated executive order.

Chairwomen Lee will be in touch with Sheriff Gillespie, Greg Cox and Dick Gammick to get reports.

Public Comments – no

#### **#7. ELECT NEW VICE-CHAIRMAN OF CRIME COMMISSION (Discussion/For Possible Action)**

Chairwomen Lee apologized for not being here, she had a family emergency. She entertained a motion for the new Vice Chair nomination. Dick Gammick stepped



forward for the vice chair position. Dick Clark made the motion to elect Dick Gammick as the new Vice Chair, Bruce Breslow 2<sup>nd</sup> the motion. Motion passed.

**#8. SET NEXT MEETING OF THE CRIME COMMISSION.**

Next meeting scheduled for February 12 or 26<sup>th</sup> **2013 – 1:30 pm** – Dick Gammick makes the motion to leave it open and set it in February. Doug Gillespie 2<sup>nd</sup> the motion.

Comment Sheriff and Chiefs meeting will be Feb 21<sup>st</sup> If there is anything the Commission Members would like to add to the agenda, please let Chairwomen Lee know.

**#9. PUBLIC COMMENT**

There was no public comment

**10. ADJOURNMENT**

Dick Gammick motioned for adjournment, Richard Clark seconded the motion, Motion passed.

The meeting was adjourned at 3:00 pm

The next meeting was scheduled for some time in February 2014 1:30pm Date to be announced

**\*\*Meeting notes completed by Linda Herron. For questions, contact (775) 684-4556 or email [lherron@dps.state.nv.us](mailto:lherron@dps.state.nv.us)**